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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,349	01/26/2001	Emmanuel Custodero	33924PCTUSAA;070337.0234	6268
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BAKER & BO			EXAMI	NER
30 ROCKEFELLER PLAZA NEW YORK, NY 10112			HARLAN, ROBERT D	
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Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communicate. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on			1		Annthonist
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Application/Control Number: 09/770,349

Art Unit: 1713

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- 3. In claim 1, the Applicant recites "coupling agent (white filler/elastomer)." The Applicant should refrain from using parenthetical language in the claims because such language tends to either broaden or narrow the scope of the claim beyond that which is intended by an otherwise definite expression.

 Parenthetical language is appropriate, however, in the specification. It is suggested that the Applicant delete parenthetical language because it leads one to believe that the coupling agent is the white filler and elastomer.

Application/Control Number: 09/770,349

Art Unit: 1713

Allowable Subject Matter/Reasons for Allowance

Page 3

- 4. Claims 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.
- 5. Claims 2-19 and 22-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 6. Claims 20-21 are allowed.
- 7. The following is an examiner's statement of reasons for allowance: The closest prior art located or identified by the Examiner is GB Patent Specification 653,814; Oberster et al., U.S. Patent No. 4,987,192; Custodero et al., U.S. Patent No. 5,900,449; and Rauline, U.S. Patent No. 5,227,425.
- 8. As of the date of this non-final office action, the Examiner has not located or identified any reference that can be used singularly or in combination with another reference including GB Patent Specification 653,814; Oberster et al., U.S.

Art Unit: 1713

Patent No. 4,987,192; Custodero et al., U.S. Patent No. 5,900,449; and Rauline, U.S. Patent No. 5,227,425 to render the present invention anticipated or obvious to one of ordinary skill in the art.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

- 10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert D. Harlan whose telephone number is (703) 306-5926. The examiner can normally be reached on Mon-Fri, 10 AM 8 PM.
- 11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Wu can be reached on (703) 308-2450. The fax phone numbers for the organization where this application or proceeding is assigned

Application/Control Number: 09/770,349

Art Unit: 1713

Page 5

are (703) 872-9559 for regular communications and (703) 872-9559 for After Final communications.

12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1495.

Robert D. Harlan Primary Examiner Art Unit 1713

rdh July 1, 2003